

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**JULIETTE MARIE FRANKLAND, aka
JULIETTE MARIE ROSSITER**

Registered Nurse License No. 335936

Respondent.

Case No. 2012-145

I hereby certify the
foregoing to be a true copy
of the documents on file in our office.

BOARD OF REGISTERED NURSING

Louise R. Bailey, M.Ed., RN
Louise R. Bailey, M. ED., RN
Interim Executive Officer



DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2012

IT IS SO ORDERED this July 3, 2012.

Erin Niemela
Temporary Chair
Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-145

12 **JULIETTE MARIE FRANKLAND,**
A.K.A. JULIETTE MARIE ROSSITER
13 **655 East 4th Street**
Chico, CA 95926

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14
15 **Registered Nurse License No. 335936**

16 Respondent:
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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the
22 Board of Registered Nursing (Board). She brought this action solely in her official capacity and
23 is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Brian S. Turner, Deputy Attorney General.

25 2. Juliette Marie Frankland, aka Juliette Marie Rossiter (Respondent) is represented in
26 this proceeding by attorney Paul Chan, whose address is: 400 Capitol Mall, Suite 2545,
27 Sacramento, CA 95814.

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3. On or about September 30, 1981, the Board issued Registered Nurse License No. 335936 to Juliette Marie Frankland, aka Juliette Marie Rossiter (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-145 and will expire on July 31, 2013, unless renewed.

JURISDICTION

4. Accusation No. 2012-145 was filed before the Board, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 2, 2011. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-145 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-145. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-145, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 335936 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 335936, issued to Respondent Juliette Marie Frankland, aka Juliette Marie Rossiter, is **surrendered and accepted** by the Board of Registered Nursing.

///.

1 1. The surrender of Respondent's Registered Nurse License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.

3 This stipulation constitutes a record of the discipline and shall become a part of
4 Respondent's license history with the Board of Registered Nursing.

5 2. Respondent shall lose all rights and privileges as a Registered Nurse in California as
6 of the effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
8 issued, her wall certificate on or before the effective date of the Decision and Order.

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 2012-145 shall be deemed to be true, correct and admitted by Respondent when
14 the Board determines whether to grant or deny the petition.

15 5. If and when Respondent's license is reinstated, she shall pay to the Board costs
16 associated with its investigation and enforcement pursuant to Business and Professions Code
17 section 125.3 in the amount of \$3,112.00. Respondent shall be permitted to pay these costs in a
18 payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the
19 Board from reducing the amount of cost recovery upon reinstatement of the license.

20 6. If Respondent should ever apply or reapply for a new license or certification, or
21 petition for reinstatement of a license, by any other health care licensing agency in the State of
22 California, all of the charges and allegations contained in Accusation, No. 2012-145 shall be
23 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
24 Issues or any other proceeding seeking to deny or restrict licensure.

25 7. Respondent shall not apply for licensure or petition for reinstatement for two (2)
26 years from the effective date of the Board of Registered Nursing's Decision and Order.


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1 ACCEPTANCE

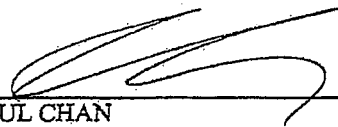
2 I have carefully read the Stipulated Surrender of License and Order. I understand the
3 stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated
4 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
5 by the Decision and Order of the Board of Registered Nursing.

6
7 DATED: 3-28-2012


JULIETTE MARIE FRANKLAND, AKA
JULIETTE MARIE ROSSITER
Respondent

10 I have read and fully discussed with Respondent Juliette Marie Frankland, the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13
14 DATED: 4-10-12


PAUL CHAN
Attorney for Respondent

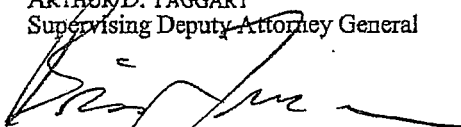
17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
19 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

20 Dated: ~~March~~ April 12, 2012

21 Respectfully submitted,

22 KAMALA D. HARRIS
Attorney General of California
23 ARTHUR D. TAGGART
Supervising Deputy Attorney General


24 BRIAN S. TURNER
25 Deputy Attorney General
26 Attorneys for Complainant

27
28 SA2010102757
10756019

Exhibit A

Accusation No. 2012-145

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
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Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 JULIETTE MARIE FRANKLAND,
A.K.A. JULIETTE MARIE ROSSITER
655 East 4th Street
Chico, California 95928

Case No. 2012-145

ACCUSATION

14 Registered Nurse License No. 335936

15 Respondent.

16
17 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

21 2. On or about September 30, 1981, the Board issued Registered Nurse License Number
22 335936 to Juliette Marie Frankland, a.k.a. Juliette Marie Rossiter ("Respondent"). The license
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 July 31, 2013, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
6 Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761(a) states, in part, that the board may take disciplinary action
8 against a certified or licensed nurse or deny an application for a certificate or license for
9 unprofessional conduct.

10 6. Code section 2762 states:

11 In addition to other acts constituting unprofessional conduct within the meaning
12 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do the following:

13 (a) Obtain or possess in violation of law, or prescribe, or except as directed by,
14 a licensed physician and surgeon, dentist, or podiatrist administer to himself or
herself, or furnish or administer to another, any controlled substance as defined in
15 Division 10 (commencing with Section 11000) of the Health and Safety Code or any
dangerous drug or dangerous device as defined in Section 4022.

16 7. Code section 2770.7 states, in pertinent part:

17 (c) If the reasons for a current investigation of a registered nurse are based
18 primarily on the self-administration of any controlled substance or dangerous drug or
alcohol under Section 2762, or the illegal possession, prescription, or nonviolent
19 procurement of any controlled substance or dangerous drug for self-administration
that does not involve actual, direct harm to the public, the board shall close the
20 investigation without further action if the registered nurse is accepted into the board's
diversion program and successfully completes the requirements of the program. If
21 the registered nurse withdraws or is terminated from the program by a diversion
evaluation committee, and the termination is approved by the program manager, the
22 investigation shall be reopened and disciplinary action imposed, if warranted, as
determined by the board.

23 (d) Neither acceptance nor participation in the diversion program shall preclude
24 the board from investigating or continuing to investigate, or taking disciplinary action
or continuing to take disciplinary action against, any registered nurse for any
25 unprofessional conduct committed before, during, or after participation in the
diversion program.

26 (f) Any registered nurse terminated from the diversion program for failure to
27 comply with program requirements is subject to disciplinary action by the board for
acts committed before, during, and after participation in the diversion program. A
28 registered nurse who has been under investigation by the board and has been
terminated from the diversion program by a diversion evaluation committee shall be

1 reported by the diversion evaluation committee to the board.

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3 8.. Code section 2770.11(b) states:

4 If a committee determines that a registered nurse, who is denied admission into
5 the program or terminated from the program, presents a threat to the public or his or
6 her own health and safety, the committee shall report the name and license number,
7 along with a copy of all diversion records for that registered nurse, to the board's
8 enforcement program. The board may use any of the records it receives under this
9 subdivision in any disciplinary proceeding.

10 COST RECOVERY

11 9. Code section 125.3 provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licensee found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 DRUGS

16 10. "Soma," a brand of Carisoprodol, is a dangerous drug within the meaning of Business
17 and Professions Code section 4022 in that it requires a prescription under federal law.

18 11. "Darvon" is a compound consisting of propoxyphene hydrochloride, a Schedule IV
19 controlled substance as designated by Health and Safety Code section 11057(c)(2).

20 RESPONDENT'S TERMINATION FROM 21 THE BOARD'S DIVERSION PROGRAM AS A PUBLIC RISK

22 12. On or about September 1, 2009, Respondent was enrolled in the Board's Diversion
23 Program. On or about July 14, 2010, pursuant to Code section 2770.11, the Diversion Evaluation
24 Committee ("DEC") terminated Respondent from the Diversion Program for
25 noncompliance/public risk for testing positive on January 26, 2010, and January 27, 2010, for
26 Soma, a dangerous drug, and testing positive on July 6, 2010, for Darvon, a controlled substance.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Possessed and Self-Administered a Controlled Substance)

3 13. Respondent is subject to discipline under Code section 2761(a), on the grounds of
4 unprofessional conduct as defined in Code section 2762(a), in that on or about July 6, 2010, while
5 a registered nurse, Respondent did the following:

6 a. Respondent possessed Darvon, a controlled substance, in violation of Code section
7 4060, in that she did not have a prescription for that controlled substance.

8 b. Respondent self-administered Darvon, a controlled substance, without direction to do
9 so from a licensed physician and surgeon, dentist or podiatrist.

10 SECOND CAUSE FOR DISCIPLINE

11 (Possessed and Self-Administered a Dangerous Drug)

12 14. Respondent is subject to discipline under Code section 2761(a), on the grounds of
13 unprofessional conduct as defined in Code section 2762(a), in that on or about January 26, 2010,
14 and January 27, 2010, while a registered nurse, Respondent did the following

15 a. Respondent possessed Soma, a dangerous drug, in violation of Code section 4022, in
16 that she did not have a prescription.

17 b. Respondent self-administered Soma, a dangerous drug, without direction to do so
18 from a licensed physician and surgeon, dentist or podiatrist.

19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 335936, issued to Juliette
23 Marie Frankland, a.k.a. Juliette Marie Rossiter;

24 2. Ordering Juliette Marie Frankland, a.k.a. Juliette Marie Rossiter to pay the Board of
25 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
26 pursuant to Business and Professions Code section 125.3; and,


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3. Taking such other and further action as deemed necessary and proper.

DATED: September 2, 2011


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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